

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, July 5, 2011, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Alderman Valerie Joh  
Alderman Benjamin K. Mallicote  
Alderman Michael McIntire

Vice Mayor Tom C. Parham  
Alderman Tom Segelhorst  
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
Lisa Winkle, Deputy City Recorder/Comptroller

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** In lieu of the pledge, the National Anthem was performed by the Dobyns-Bennett High School quintet.
- II.B. **INVOCATION:** By Richard Dice, Pastor – Christ Church.
- III.A **SWEARING-IN OF ELECTED BOARD MEMBER OFFICIALS:** The Honorable John S. McLellan, III swore in the newly elected aldermen in the presence of their families.
- III.B **SELECTION OF VICE MAYOR.** Alderman Joh made a motion to re-appoint Mr. Mallicote as Vice Mayor. No second was received and the motion died. Alderman Shupe made a motion to appoint Alderman Parham and the motion was seconded by Alderman Segelhorst. All present voted “aye” in a roll call vote, except for Mayor Phillips who abstained.
- III.C **ROLL CALL:** By Lisa Winkle – Comptroller/Deputy City Recorder.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Joh/Shupe, to approve minutes for the following meetings:

- A. June 20, 2011 Regular Work Session
- B. June 21, 2011 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

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**AA. PUBLIC HEARINGS. None.**

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Donations (AF: 177-2011).** City Manager Campbell noted these donations were for the carousel project. Alderman Joh gave a brief update on the personalized brick orders that are available for the fountain.

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND AND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS RECEIVED FROM DONATIONS FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Consideration of an Ordinance Re-Appointing Valerie Joh as the Designated Alderman for Disposal or Sale of Real Property (AF: 180-2011).**

Motion/Second: Shupe/Mallicote, to pass:

AN ORDINANCE APPOINTING A MEMBER OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSFORT AS THE DESIGNATED ALDERMAN PURSUANT TO SECTION 2-462, KINGSFORT CITY CODE TO DISPOSE OF SURPLUS REAL PROPERTY SUBJECT TO FINAL APPROVAL OF THE BOARD OF MAYOR AND ALDERMEN

Passed on first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.**

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Awarding the Bid for the Purchase of One (1) Diesel-Powered, Trailer-Mounted Valve Maintenance Apparatus to E.H. Wachs Co., Inc. (AF: 151-2011).**

Motion/Second: Joh/Segelhorst, to pass:

**Resolution No. 2012-001,** A RESOLUTION AWARDING THE BID FOR PURCHASE OF ONE DIESEL POWERED TRAILER MOUNTED VALVE MAINTENANCE APPARATUS TO E.H. WACHS CO., INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

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**2. Consideration of a Resolution Authorizing the Mayor to Sign a Contract with Tennessee Department of Transportation Accepting Federal and State Transportation Planning Funds on Behalf of the Kingsport MPO (AF: 157-2011).**

Motion/Second: Parham/Joh, to pass:

**Resolution No. 2012-002**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE 2007 CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO RECEIVE A GRANT FOR FISCAL YEAR 2012 AND FISCAL YEAR 2013 FOR FEDERAL HIGHWAY ADMINISTRATION PL-112 PLANNING FUNDS FOR THE KINGSFORT METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION (MPO)

Passed: All present voting "aye."

**3. Consideration of a Resolution Donating Two Vehicles to Sullivan County-Bluff City-Kingsport Animal Control Center, Inc. (AF: 174-2011).** City Manager Campbell pointed out the new director was here and the facility opened on July 1<sup>st</sup>. He also recognized Sullivan County Commission Joe Herron for his efforts, as well as Deputy Chief Dale Phipps and Budget Director Judy Smith.

Motion/Second: Segelhorst/Joh, to pass:

**Resolution No. 2012-003**, A RESOLUTION APPROVING THE DONATION OF TWO VEHICLES TO THE SULLIVAN COUNTY-BLUFF CITY-KINGSFORT ANIMAL CONTROL CENTER, INC. AND AUTHORIZING THE MAYOR TO EXECUTE THE TITLES FOR TRANSFER AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE DONATION AND TRANSFER OWNERSHIP OF SUCH VEHICLES

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper to Apply for and Receive Touring Arts Grants from the Tennessee Arts Commission (AF: 178-2011).**

Motion/Second: Shupe/Parham, to pass:

**Resolution No. 2012-004**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TOURING ARTS GRANT FROM THE TENNESSEE ARTS COMMISSION

Passed: All present voting "aye."

**5. ~~Consideration of a Resolution Setting the FY12 Fees and Charges Provided for in the City Code (AF: 179-2011).~~** This agenda item was pulled.  
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**6. Consideration of a Resolution Authorizing the Rejection of All Bids Received for the Kingsport Aquatic Center (AF: 166-2011).** Assistant to the City Manager Chris McCartt provided details on this item, noting that five bids were

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opened on May 11<sup>th</sup>. The lowest bid was 17.1 million dollars, which would mean a reduction in what the City originally wanted to do because it is over budget. Staff is proposing that the City move forward with the site work and move on with the construction later, resulting in only 30-45 additional days on the project. The YMCA is in support of this recommendation. He further noted the Board of Mayor and Aldermen, staff and the design team would be meeting in a couple of weeks regarding the scope and upcoming bid. Mayor Phillips clarified that tonight they were only voting on rejecting the current bids. Alderman Joh also pointed out that the Legion Pool will remain open during the interim. The Mayor asked Mr. McCartt if he had a price for the repairs at Legion Pool and was told the filters cost about \$5,000.

Motion/Second: McIntire/Parham, to pass:

**Resolution No. 2012-005, A RESOLUTION REJECTING ALL BIDS RELATED TO CONSTRUCTION OF THE KINGPORT AQUATIC CENTER**

Passed: All present voting "aye."

**7. Consideration of a Resolution Authorizing the Mayor to Accept the Donation of an Amphitheater on the Allandale Campus from the Friends of Allandale (AF: 87-2011).** City Manager Campbell gave an update on this item, noting this would be the first of a three phase project. The second phase would install a cover. He pointed out this project was funded through donations and is of no cost to the City.

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2012-006, A RESOLUTION ACCEPTING A DONATION OF AN AMPHITHEATER ON THE GROUNDS OF THE ALLANDALE MANSION FROM THE FRIENDS OF ALLANDALE**

Passed: All present voting "aye."

**E. APPOINTMENTS.** None.

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion.**

Motion/Second: Joh/McIntire, to adopt:

**1. Consideration of an Ordinance to Amend Various Projects (AF: 148-2011).**

Adopt:

**Ordinance No. 6097, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND, GENERAL PROJECT FUND, AND THE SEWER PROJECT FUND BUDGETS FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

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**2. Consideration of a Budget Ordinance to Appropriate Approved Funds from Performance Vista Inc. in the Amount of up to \$25,000 for Reimbursement Costs for Travel During Mentoring/Partnering Activities with Agencies Involved in Targeted Community Crime Reduction Grants (AF: 158-2011).**

Adopt:

**Ordinance No. 6098**, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY ESTABLISHING THE TRAVEL EXPENSE/BYRNE GRANT PROJECT FOR APPROVED FUNDS FROM PERFORMANCE VISTA INC. FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** Mr. Campbell stated the parking garage was now open and free to the public. He further stated this structure provided an extra 264 parking spaces, six electrical charging stations for electric vehicles and restroom facilities.

**B. MAYOR AND BOARD MEMBERS.** Alderman McIntire commented that last week was "Building Blitz" week, noting that two homes had been repainted and a wheelchair ramp constructed for another home. The majority of the volunteers were high school and college student who were home for the summer.

Alderman Shupe said hello to his mom who could not be here and stated it was an honor to serve on the Board.

Alderman Joh commented on the success of the parade on July 4<sup>th</sup>, noting an abundance of support from citizens.

Alderman Segelhorst thanked those who attended the reception for the incoming and outgoing alderman that was held before the business meeting. He also noted the opening of the Mystery of Natural History Museum on Broad Street and invited everyone to come and visit. Lastly, he commended the American Legion and the Chamber of Commerce for a great parade this year.

Vice Mayor Parham commented on the selection of vice mayor, noting that historically this job is rotated every four to five years and was in no way a reflection of Alderman Mallicote's performance. The Vice Mayor further stated he sincerely appreciated the job that Mr. Mallicote did.

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Alderman Mallicote pointed out that employee parking on Broad Street has not been enforced since the parking garage opened. He suggested proactive patrol of the situation by the police department and the possibility of issuing warning tickets for a week.

Mayor Phillips commented that downtown employees have had 25 years of warning and it was time to get serious about enforcement. He declared it was an honor to be sworn in as Mayor for two more years, although he wished that voter turnout had been better. He further stated the Board would try and do the best job they could for the City of Kingsport.

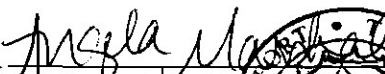
- C. VISITORS.** Mr. Richard Packard, 902 Birch Street, Kingsport, commented on the nuisance of fireworks, citing sections from the Kingsport Code of Ordinances pertaining to nuisances and zoning.

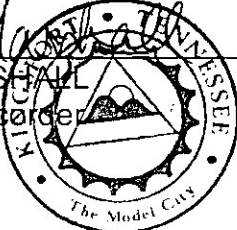
Ms. Mary McNabb thanked everyone who ran for the Board of Mayor and Alderman. She also mentioned the Mystery of Natural History Museum was open from 11:00 a.m. to 8:00 p.m. Monday through Saturday and from 2:00 p.m. to 5:00 p.m. on Sunday.

Ms. Geneva Wood also commented unfavorably on the use of fireworks by citizens and asked the Board to take action.

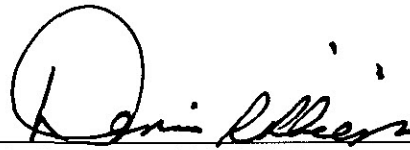
Mayor Phillips stated there have been many complaints both concerning the number of vendor tents and about the noise of fireworks. He pointed out it would be naïve to think that fireworks could be stopped altogether and there was no reason to pass an ordinance that could not be enforced. He explained that the City had followed the actions of Sullivan County that allowed fireworks and did not take any action to opt out of their guidelines. The Mayor wanted the citizens to know that the Board will be addressing the issue of fireworks and that there would be a new ordinance before New Year's Day.

- IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:00 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



The seal of the City of Kingsport, Tennessee, is circular. It features a central emblem with a mountain, a river, and a sun. The words "KINGSPORT, TENNESSEE" are written around the top inner edge, and "The Model City" is written around the bottom inner edge.

  
DENNIS R. PHILLIPS  
Mayor